

CALIFORNIA ★ POLITICAL REVIEW

MARCH/APRIL 2008 • VOLUME 19 • NUMBER 2 • \$4.95

Eco-lunacy coming home to roost

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M. David Stirling

Flash! State High Court sides with the law!

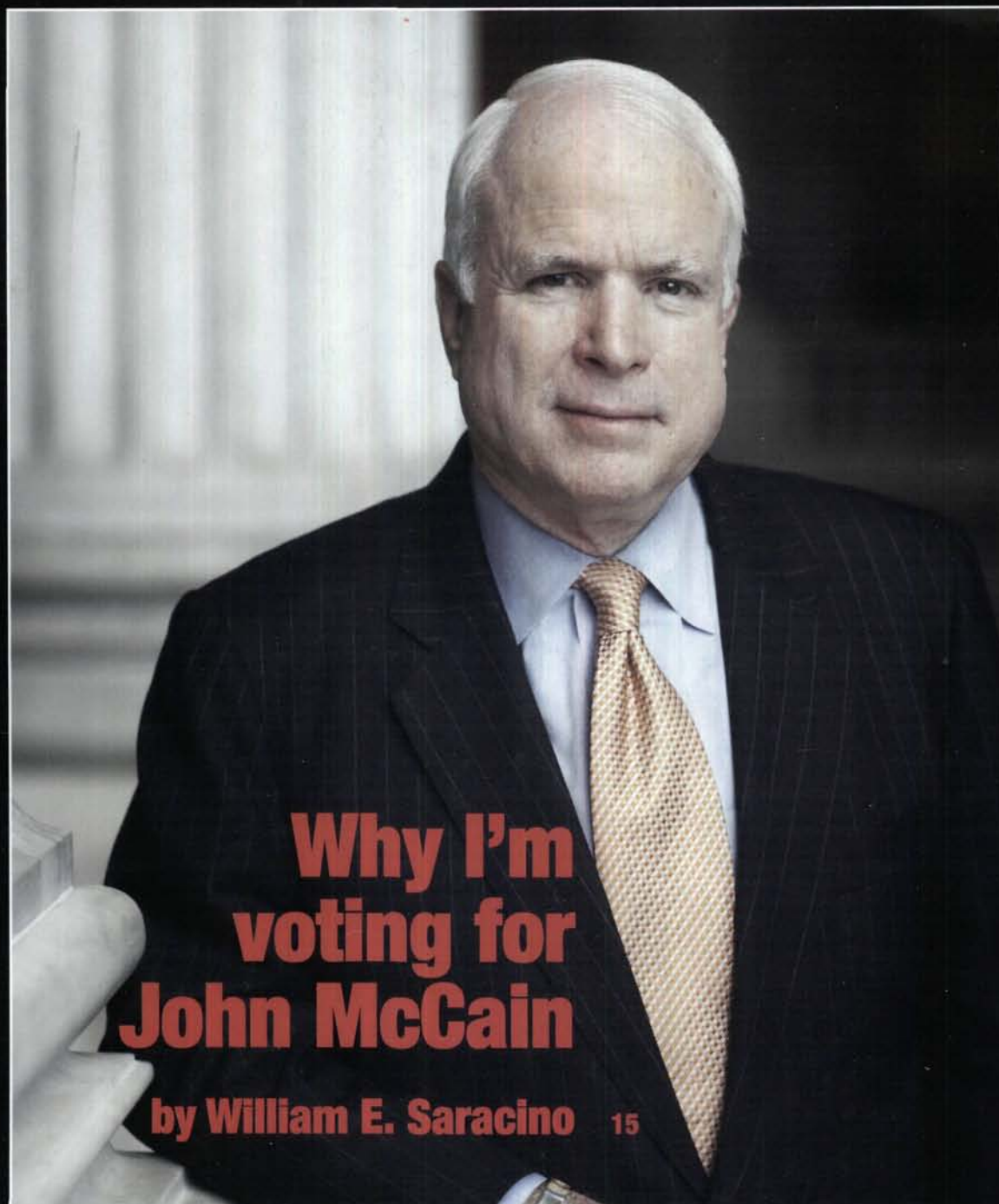
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**Why I'm
voting for
John McCain**

by William E. Saracino 15



Ron Keeva Unz
555 Bryant St #371
Palo Alto, CA 94301

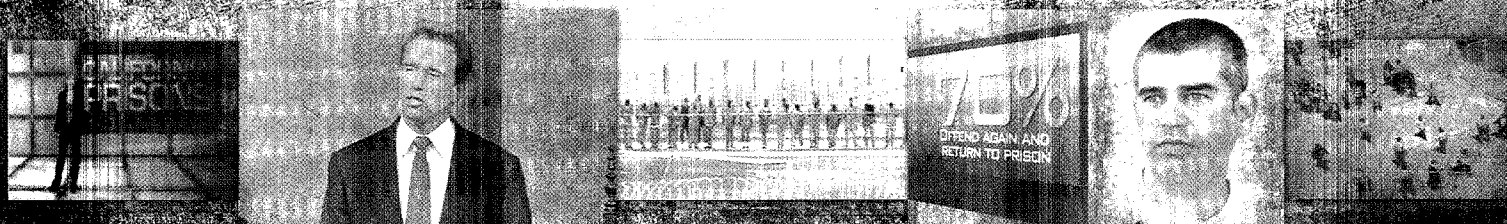
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by Ray Haynes 23

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A PUBLICATION OF THE CALIFORNIA PUBLIC POLICY FOUNDATION

CALIFORNIA★POLITICAL REVIEW

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CALIFORNIA PUBLIC POLICY FOUNDATION

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California Political Review (ISSN 1075-3079) is published bimonthly by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to: Editor, California Political Review, Post Office Box 931, Camarillo, CA 93011-0931; or calprev@cppf.us. Correspondence may be condensed due to space limitations. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope. Signed articles express their authors' opinions and do not necessarily reflect the views of the California Public Policy Foundation which does not endorse or oppose candidates or intervene in any candidate election campaign. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: \$24.95 yearly (six issues). Outside U.S. add \$6/year surface, \$20 for airmail. California Political Review is copyright © 2007 by the California Public Policy Foundation.

California Political Review (ISSN 1075-3079) is published bimonthly for \$24.95 per year by the California Public Policy Foundation, 24005 Ventura Blvd., Calabasas, CA 91302-1447. Periodical Postage Paid at Van Nuys, CA, and additional mailing offices. POSTMASTER: Send address changes to California Political Review, P.O. Box 931, Camarillo, CA 93011-0931.

CORRESPONDENCE

The philosopher's God

Becket Fund President Kevin Hasson's brilliant defense of "under God" and the Pledge ("Rallying for the Pledge," by Patrick Korten, *CPR*, Jan./Feb. 2008) as referring to "the philosopher's God" is one of those terrific insights that seem obvious, but only *after* someone else has pointed them out.

The crux of the atheist view of the First Amendment is that belief in anything supernatural can never be more than unprovable opinion because we cannot be scientifically certain about anything we cannot touch, taste, see, hear, or smell. And the power of the state should never be employed to impose unprovable opinion because that violates freedom of thought.

All very neat, except that very few propositions of any importance can be "proven" in terms of our sense perceptions. How do you "prove," in terms that would satisfy the Newdow standard, that stealing is morally wrong and can therefore constitutionally be banned by government? It can't be done, of course, but the atheist position avoids this problem by arbitrarily limiting the constitutional right of freedom of thought to questions of "religion" — any other opinions are permissible; only religious opinion is out of bounds for government. Thus Newdow dismissed Hasson's point simply by asserting that "concepts concerning god or a supreme being of some sort are manifestly religious."

But this limit on the right granted by the First Amendment is wholly unreal. Religion deals with every sort of important question, thus any important answer can be identified as "religious" because religion will have something to say about it. God's existence,

for instance, has been recognized as provable *without resorting to divine revelation* by philosophers throughout history, most prominently by Aristotle. It is a matter our natural reason can grapple with; more, it is one we can *reasonably* be certain about.

This all plays merry hell with the arguments raised by atheists like Newdow. Aristotle rejected any such irrational prejudice against religion and did so, not on religious grounds, but on purely natural, rational grounds. It is the unnatural, artificially limited concept of "reason" as inherently incompatible with belief in the supernatural that attempts to impose irrationality upon us. While atheism claims to be the province of science and reason, not only is it not that at all, it is in fact the realm of intolerant unreason, always seeking to ban religion. It opposes religion precisely because religion dares to think about the reality of God and man, all-important spheres of life into which the timid atheist fears to tread — and doesn't want anyone else bringing to his attention.

Jackson Richards
Anaheim

Hating the Second Amendment

Thanks for Sam Paredes' always informative "What you haven't been told about gun control." Here's a little item to add to the mix.

Get to know first-term anti-gun radical Assemblyman Kevin DeLeon, representing East Hollywood and parts of Los Angeles. Another product of the Big Labor left-wing politician factory, DeLeon has announced he will re-intro-

(Please turn to page 12)

SACRAMENTO SPECTATOR

It's primary season again in Sacramento. Though your *Spectator* could go on for pages commenting on each of the races, space limitations dictate a single discussion this issue.

One of the highest profile races on a national level has been California's fourth Congressional District seat held by retiring Congressman John T. Doolittle. The lifelong conservative stalwart and his wife have been "under investigation" for his associations with convicted lobbyist Jack Abramoff since before his last reelection, although, to date, no charges have been filed. The steady drum beat of negative press finally caused Doolittle to call it quits.

Two major candidates to replace Doolittle have emerged. Former state Senator Rico Oller, who represented Doolittle's Gold Country foothill area in the state Assembly and Senate from 1996 through 2004, is well liked among the region's conservatives. Oller lost the 2004 GOP primary for the neighboring Third District House Seat to Dan Lungren in a three-way squeaker that left simmering hard feelings all around. The other candidate in 2004 was Mary Ose, sister to former Third District Congressman Doug Ose. Now Doug is back with a score to settle against Oller, and has placed

his own name on the ballot for the fourth district.

As if this political soap opera didn't have enough plot twists already, another high profile name has surfaced as a possible candidate: state Senator Tom McClintock. Although McClintock originally hails from (and has long represented) Ventura County, his statewide races for controller (twice), for governor in the 2003 Recall, and for lieutenant governor



in 2006 have solidified McClintock's name recognition among Republicans statewide.

Word now comes from two McClintock fans that they will be releasing polling figures showing McClintock walking away with the Fourth CD nomination in a rout if he chooses to run.

Former McClintock Chief of Staff John Stoos and perpetual-petition-proponent Ted Costa claim McClintock would defeat Ose and Oller 44-11-6 respec-

tively. The unanswered question in the halls of the Capitol is whether or not this survey had any prior knowledge or blessing from McClintock, or if he is even interested in going to Washington at all. McClintock, who lost a race for Congress in 1992, has been known to declare "I had Potomac fever once, and was cured of it several years ago."

Some conservative insiders who have been scratching their heads wondering why McClintock would take on his former colleague and fellow conservative Oller. At least part of the explanation could be that in the heated 2002 primary race for controller (between McClintock and former Board of Equalization Member Dean Andal), Oller endorsed Andal.

But Oller supporters point out that Oller's friendship with Andal goes back to Rico's first run for Assembly in 1996. During that race, Dean was the first elected official to take Rico under his wing. The 2002 Rico-Andal endorsement was deeply personal and no slight against McClintock.

Will the race for the Fourth CD descend into a battle Oller/Ose-Oller/McClintock grudges? A wag once said "grudges in politics are like rust on steel, ugly and destructive. But sometimes that's all that's holding the old car together." In this critical congressional contest, let's hope something worthier than pursuing old grudges motivates the Republican candidates.

— A.P.C.



The Working Press

Move on? Not so fast: lefties gag on latest Hillary tactics

Even Air America finally notices that the ' Clintons will say and do anything to win an election.'

GEORGE NEUMAYR

LIBERAL OPERATIVES are loathe to mention Democrat Party ethnic divisions, much less stoke them. But the ugliness of the Obama-Hillary race temporarily blew the PC lid off, and for a few months at least it became safe for operatives to play ethnic groups off each other.

Masters of gutter politics, the Clintons, seeking to poach white Democrats from Obama, worked hard to "ghettoize" him, as the media put it: surrogates for Hillary let it drop at least three times that Obama had used cocaine; in South Carolina Bill Clinton compared Obama to Jesse Jackson; and Hillary categorized Obama as nothing more than a rhetorician in the mold of Martin Luther King Jr. (whose lofty sentiments were actually implemented by LBJ, she noted pointedly).

Nor were the Clintons above exploiting festering resentments between blacks and Hispanics. (The media during the race didn't hesitate to say openly that the two groups dislike each other because they compete over the same jobs.) But Hillary, who enjoyed strong support across the Hispanic community, did not end up receiving the endorsement of *La Opinion*, California's largest Spanish-language newspaper. Her much-repeated "experience" rationale left the paper cold.

"She has garnered significant Latino support from such influential and high profile national leaders as Raúl Yzaguirre, Henry Cisneros, and Antonio Villaraigosa. She has worked tirelessly over many years to represent the best interests of Latinos and her personal commitment has been well-documented throughout this campaign," the paper acknowledged. "Yet, this is a historic moment and tremendous skills and experience are not enough to inspire a feeling of renewal in our country after eight long years of George W. Bush."

The *Los Angeles Times* also endorsed Obama (and

John McCain, by the way). Hillary's support for the war clinched the endorsement for Obama. "Clinton faced a test and failed," editorialized the paper. More subtly, the paper argued against Hillary on the grounds that her presidency would throw the country back into an "era" of "argument," a polite reference to the Clintonian corruption and dishonesty of the 1990s.

In the disorienting heat of the primaries, several liberal blowhards, principally the ones who appear on the radio network *Air America*, gravitated to that line of argument. Upset over the Clintons' underhanded tactics against Obama, these liberals could finally admit what they had routinely denied in the 1990s: that the " Clintons will say and do anything to win an election."



Both the *Los Angeles Times* and *San Francisco Chronicle* changed editors in January. The *Times* sacked James O'Shea, owing to his lack of enthusiasm for its budgetary cuts. O'Shea's editorship lasted little more than a year. His termination was punctuated by a pointless squabble over whether he had quit or been cashiered. The publisher, David Hiller, cast it as resignation even as his own paper reported (and O'Shea confirmed) that the editor had been pink-slipped.

THE *CHRONICLE* kicked long-time editor Phil Bronstein upstairs into some nebulous vice president's job. Bronstein is famous for two reasons: one, he was married for a time to actress Sharon Stone; two, he was once bitten by a Komodo dragon.

The latter happened back in 2001, when he and his then-starlet wife were given a VIP tour of the Los Angeles Zoo. Bronstein had removed his white tennis

THE FRONT LINE

Former U.S. Marine **Ollie North** endorsed **John McCain**. In his regular newspaper column, North said this election will decide "the most profoundly important matter confronting our nation: the crucial outcome of an unprovoked war being waged against us by radical Islam." North wrote that McCain will "win this war."

In the dark days when Al Anbar province Iraq was the bloodiest place on the planet," North wrote, "John McCain was one of the few in Congress brave enough to venture into that cauldron. I know, because I saw him there But the senator's commitment goes far beyond political rhetoric. One of his sons is a student at our alma mater; the other is a U.S. Marine Lance Corporal, serving in harm's way."

North recalled that Republican failure to unify behind his 1994 U.S. Senate candidacy handed the seat to Democrat **Charles Robb**. "I lost by a narrow margin in a three-way race," North wrote. "Some of those who were with me then, are among those who now say they won't support John McCain I cannot sit silently while my fellow conservatives do to John McCain what GOP 'moderates' did to me." North urged conservatives to "man the phone banks, raise the funds, walk the precincts, and turn out the vote on Election Day [because] we need

John McCain as Commander in Chief."

Berkeley's City Council wavered, but failed to rescind its slap at the U.S. Military despite national protests led by the grass roots organization **Move America Forward** (MAF). Jan. 29, Berkeley declared the U.S. Marines "unwelcome" in the city, granted special protest permits to anti-military radicals, encouraged the city attorney to harass a Marine recruiting station over the military's



"don't ask, don't tell" policy on homosexuals, and urged city residents to "impede" the work of local military recruiters.

The measures sparked condemnations nation-wide and a massive protest/confrontation before a Feb. 12 council meeting at which motions to overturn the measures were considered. During that Feb. 12 meeting, faced with day-long protests outside their chambers and more than 20,000 petition signatures demanding repeal, several Berkeley council

members reportedly expressed nervous regret over the measures.

MAF's web-postings reported that many council members showed "a seemingly sincere recognition that the Marines were being discriminated against and were owed an apology. Some wanted to apologize to the city for bringing such shame and disgrace upon the city and its residents." MAF Blogger **Danny Permalink** wrote that a council majority seemed to want "to take meaningful action to rectify their transgressions."

But when the votes were cast many of those who'd talked of apologizing abstained, and the rescission measures fell one vote short. Permalink characterized the abstaining members as "obviously fearful of the fury that would have been directed upon them by their base: Code Pink (leader of the Berkeley anti-military groups), International ANSWER, and the anarchists who comprise the radical left in Berkeley."

Still, MAF counts their efforts a success. Having confronted the radicals on their home turf, wrote Permalink, the City Council not only "made a partial retreat, but a majority of council members had verbally acknowledged the wrongful nature of their actions. They didn't have the guts to vote this way on the record ... but we nonetheless heard them say the impossible: *they knew their actions were indefensible.*"

CPR

shoes before entering the cage at the suggestion of the zookeeper, who feared that the dragon, which feeds on white rats, might mistake his shoes for a rat. But Bronstein's white feet didn't solve the problem either, and while Sharon Stone watched from outside the cage, Bronstein's big toe was crushed by the 10-foot beast. The incident allowed one of the *Chronicle's* chortling competitors to joke that the dragon had mistaken a *Chronicle* editor for a rat.

ONE OF the last stories Bronstein oversaw as editor involved another zoo mishap, but this one closer to home. "Tatiana," a tiger at the San Francisco zoo, killed one patron and mauled two others on Christmas day — the kind of story one could imagine the paper's founder, William Randolph Hearst, covering with delight. The *Chronicle*, scrounging around desperately for readers, played up Tatiana's story for weeks, creating a special section on its Web page devoted exclusively to it.

The story, however, posed a tricky controversy for

cultural lefties in San Francisco, as it brought several of their favorite interest groups into conflict: animal rights activists versus juvenile delinquents; politically correct zoo keepers versus litigious attorneys.

Naturally, the hooligans who provoked the attack — vodka was found in their car, other patrons had seen them behaving boisterously, a shoe print was found near Tatiana's pen, and the boys were fresh off several run-ins with the police — hired an attorney to sue the zoo into oblivion. Representing the delinquents is hack Mark Geragos, who, when not suing people, is often seen gibbering on cable talk shows. You probably remember some of Geragos' other blameless clients such as Michael Jackson, actress Winona Ryder, and the Clinton-era Susan McDougal.

Geragos manipulated the media effortlessly in January, diverting attention from his clients' reckless behavior and towards the incompetence of SF's hapless zoo director, who overstated the height of Tatiana's enclosure. Yet the media in all of its probing of the zoo's incompetence didn't ask the most obvious question, a

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

IN our 32-plus years, Gun Owners of California, Inc., (our lobbying arm) and GOC Campaign Committee (our political action committee) have had just two goals: stop anti-gun legislation and gain a pro-gun legislative majority.

Nothing has changed, and meeting the second goal remains the best way to achieve the first. That's why we are fully engaged in this year's election. GOC provides voters' full information before each election, rating and endorsing candidates.

We ask candidates their specific position on the Second Amendment, why they want to run for office, and what they hope to accomplish in Sacramento. We've heard

all the gobbledygook and know how to cut through it.

Candidates offer platitudes about how their local government experience has taught them to work with the opposition: to compromise on the issues. Other candidates say they want to "fix" some specific malfunctioning aspect of state government. Some — get this — actually tell us the state Legislature is "the next logical step" on their career paths.

We don't support those candidates. Sacramento's problem is not a particular malfunction or too lit-

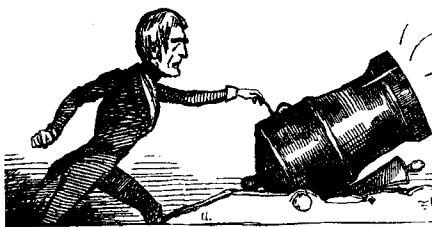
tle compromise or too few self-promoting politicians. It is an anti-freedom mentality that can't be tweaked into something good; it can only be replaced.

That's why GOC looks for candidates who want to find a way to *run* the joint — to become the majority to defend the Second Amendment from a position of strength. The world's most public spirited office holder can't pass a Mother's Day Resolution if the majority says "no."

We want candidates devoted to organizing a constituency outside the Capitol to influence what happens on the inside — candidates devoted to taking the fight to the enemy, to taking them to the mat whenever they attack our freedom. We find too few candidates like that, but they're the only kind that matter in the Capitol.

CPR

Sam Paredes is executive director of Gun Owners of California.



question that is apparently off limits in pagan San Francisco: Why was the zoo even open on Christmas?



Los Angeles Cardinal Roger Mahony several years back wrote in an e-mail (later leaked to Los Angeles talk radio station KFI) that former *Los Angeles Times* religion reporter Larry Stammer stood “ready” to help him with favorable press. Never has a bishop more openly declared a reporter to be in his pocket. So it is no surprise that the *Times*’ competitor, the *Los Angeles Daily News*, is the only place to look for real news about Mahony, and last December the Valley paper came up with a bombshell: that the cardinal had revealed to his priests that he had been beaten up on a street outside the cathedral sometime during the summer.

According to the *Daily News*, Mahony had told this story to his priests in an apparent bid to win their sympathy (they are still steaming over his July 2007 \$660

million settlement with alleged victims of clergy sexual abuse, which was widely seen as Mahony’s attempt to avoid testifying on the stand). The report exposed Mahony’s signature reluctance to call the police after a crime, even one involving a guy hitting him in the face (according to reports, the disgruntled man first asked Mahony, who was wearing a golf shirt at the time, if he was in fact the cardinal, and then with that assurance in hand proceeded to strike him). The assailant is still at large.

With the exception of Steve Lopez’s stinging columns (which are explained by his liberal axe to grind against the Church), the *Times* has covered Mahony ineptly, perhaps out of gratitude for his political liberalism. There is no difference in the negligence of Cardinal Bernard Law and Cardinal Mahony. But where Law faced a tenacious *Boston Globe* and as a result was packed off to Rome, Mahony has been spared by a somnolent *Los Angeles Times*, with only the *Daily News* to nip at his heels.

CPR



The Law

Drug-free — *and* compassionate

The California Supreme Court upholds employers’ efforts to maintain a drug-free workplace.

DEBORAH J. LA FETRA

A RECENT CALIFORNIA SUPREME COURT majority opinion, penned by Justice Kathryn M. Werdegar in the case *Ross v. Ragingwire*, reaffirmed, by relying on the plain language of the law in question, the judiciary’s proper role as applying, not making or re-writing, our laws. That just such reaffirmation is needed can be seen in the sharp contrast between Werdegar’s majority opinion and Justice Joyce L. Kennard’s dissent, which criticizes the decision for lack of “compassion.” First, some background:

Gary Ross suffered a back injury while serving his country in the United States Air Force. He treats the continuing pain and spasms with marijuana, pursuant

to California’s Compassionate Use Act, the 1996 voter-approved medical marijuana initiative. Because of his ongoing ingestion of marijuana, Ross failed the pre-employment drug test required by Ragingwire Telecommunications, Inc., an information technology company. Upon receiving notice of this failure, Ragingwire fired Ross, who had begun working a few days previously. Ross then sued the company for discrimination under California’s Fair Employment and Housing Act (FEHA) and for wrongful termination in violation of public policy.

The Compassionate Use Act exempts medical mari-

Deborah J. La Fetra is a principal attorney at Pacific Legal Foundation’s National Litigation Center in Sacramento.

juana users and their caregivers from liability under two particular state criminal statutes. Of course, marijuana possession and use, even for medicinal purposes, remains a criminal offense under federal drug laws — a fact no state law can alter. California's FEHA prohibits employment discrimination, including discrimination based on physical disability or mental condition. In 1997, the California Supreme Court held that the FEHA does *not* require employers to accommodate the use of illegal drugs. But Ross argued that the combination of the two laws operated to provide him a remedy.

ON JANUARY 24, 2008, the California Supreme Court rejected Ross's claims. The Court noted that "[n]othing in the text or history of the Compassionate Use Act suggests the voters intended the measure to address the respective rights and duties of employers and employees." The Court reviewed the language of the Compassionate Use Act, which makes no reference to employment, and also made note of the proponents' ballot arguments, which spoke of protecting patients from criminal penalties for marijuana and keeping cancer patients out of jail.

The text of the initiative and arguments supporting its passage, therefore, drew the Court to conclude that given "the Compassionate Use Act's modest objectives and the manner in which it was presented to the voters for adoption, we have no reason to conclude the voters intended to speak so broadly, and in a context so far removed from the criminal law, as to require employers to accommodate marijuana use."

In so holding, the Court gave a nod to California's strong tradition of direct democracy, explaining that "the initiative power is strongest when courts give effect to the voters' formally expressed intent, without speculating about how they might have felt concerning subjects on which they were not asked to vote."

The majority opinion's simple reference to the plain language of the operative law and voters' intent, penned by Justice Werdegar, contrasts sharply with Justice Kennard's dissent, which laments that the decision is "conspicuously lacking in compassion" and thereafter attempts to manufacture a reason to force Ragingwire to employ Ross. The judiciary, of course, is not meant to impose their own views of the wisdom or "compassion" present in a statute. Instead, judges are supposed to interpret and apply the law.

But even on its own terms, the majority decision is

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compassionate, primarily because it supports California's established public policy of maintaining drug-free workplaces.

IT IS no answer to say that the medical marijuana would be ingested on the employee's own time and off the employer's premises. A 2006 study by the American Medical Association Council on Scientific Affairs, while not discounting the potential benefits to patients and recommending further study, states that marijuana increases the heart rate, and decreases blood pressure; marijuana intoxication can cause "impairment of short-term memory, attention, motor skills, reaction time, and the organization and integration of complex information." Users may experience intensified senses, increased talkativeness, altered perceptions, and time distortion followed by drowsiness and lethargy. Heavy users may experience apathy, lowered motivation, and impaired cognitive performance.

Further studies — by the United States Department of Health and Human Services, the National Institutes of Health, and the National Institute on Drug Abuse — associate marijuana smoking with increased absences, tardiness, accidents, workers' compensation claims, and job turnover. Some effects of marijuana — such as respiratory ailments and decreased cognitive ability resulting from prolonged exposure to marijuana — remain long-term concerns.

Employers must be able to cull out job applicants whose alcohol or drug use raises the likelihood of threats to the safety of the workplace, other employees, or third parties.

Cases abound of employers found liable because their employees were driving vehicles, operating heavy equipment, or otherwise performing tasks made more dangerous by their being under the influence of alcohol or drugs. Facing the expanding specter of liability, employers must be able to cull out job applicants whose alcohol or drug use raises the likelihood of threats to the safety of the workplace, other employees, or third parties. Permitting employers to maintain their drug-free workplace, therefore, was not only a correct application of the text of the Compassionate Use Act, but demonstrated the compassion to all employees, clients, and customers who benefit from a drug-free workplace.

CPR



Those in power over us

Coming home to roost

Millions of Americans may soon taste the bitter blossoming of decades of unbalanced eco-policy.

M. DAVID STIRLING

THE U.S. FISH & WILDLIFE SERVICE (FWS) is soon expected to list the polar bear as a threatened species under the Endangered Species Act (ESA). Although the ESA has been law for 35 years, most people, especially those in

the large population centers of the country, are largely unaware of its harmful impact on the lives, livelihoods, and property rights of thousands of their fellow citizens.

With the polar bear's listing, these Americans are in

for a rude awakening. In 2005, hardcore environmentalist organizations — the Center for Biological Diversity, the Natural Resources Defense Council, and Greenpeace — petitioned FWS to add the polar bear to the ESA list.

THEY CLAIM that climate change by way of global warming is shrinking the bears' ice floe habitat, and without the ESA's protection, the bear will decline toward extinction within the next 45 years. On this basis, last year the FWS proposed listing the polar bear as a threatened species. What makes the expected listing of the polar bear especially news worthy is that the bear would be the first species given ESA protections *because of global warming*. Although global warming is still highly debatable as to cause and degree, tying it by administrative regulation to the ESA creates a new paradigm.

Although the ESA requires that listing determinations be based on "the best scientific ... data available," since the U.S. Supreme Court's first interpretive opinion on the ESA, declaring that Congress intended en-

dangered or threatened species be preserved "whatever the cost" (*T.V.A. v. Hill*, the snail darter case, in 1978), both FWS and the federal courts have viewed "best scientific ... data available" to mean any data that will validate the species' listing.

Based on this listing approach, it will not matter that the polar bear's population today is 20,000 to 25,000, up from a low of 5,000 to 10,000 in the 1950s and '60s. According to the U.S. Geological Survey's 2002 study of wildlife on the Arctic Refuge Coastal Plain, the number of polar bears "may be near historic highs." (See: "Report of U.S. Senate Committee on Environment and Public Works," *Minority Page*, January 30, 2008, [http://epw.senate.gov/public/index.cfm?FuseAction=Minority.Facts&ContentRecord_id=cb2faa9c-802a-23ad-4bcc-29bb94ceb993&Region_id=&Issue_id=>])

Nor will it matter that the current predictions of the polar bear's future decline are based on highly speculative data drawn from computer models, the validity of which is challenged by many respected scientists and forecasting experts. One — Dr. Susan Crockford, evolutionary biologist and paleozoologist at Canada's University of Victoria — recently said: "Polar bears [have] survived several episodes of much warmer climate over the last 10,000 years than exists today. There is no evidence to suggest that the polar bear or its food supply is in danger of disappearing entirely with increased Arctic warming, regardless of the dire fairy-tale scenarios predicted by computer models." (taken from the Senate Report cited above.)

And although regulators are supposed to base ESA listings on "quantifiable" threats to the species, it doesn't appear to matter that neither the listing petitioners nor the FWS can show that the polar bear as a species is declining. According to FWS's 2007 findings (70 *Federal Register* 1063), of the 19 distinct bear populations, two are increasing, five are stable, seven are inconclusive due to insufficient data, and five have minor declines, although with one of these — the only U.S. population (Alaska) — the "declining" label is based on computer-modeling predictions, not actual numbers. Curiously, the other four declining populations are in Canada and Greenland where "harvesting" of polar bears is still allowed. It is likely that this practice



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M. David Stirling, a former California legislator, judge, and chief deputy attorney general, is vice president of Pacific Legal Foundation. His new book, Green Gone Wild — Elevating Nature Above Human Rights, is due out this spring. He can be reached at mds@pacificlegal.org.

will continue even with the bear's listing in the United States.

In a 2007 letter to Interior Secretary Dirk Kempthorne (the Fish & Wildlife Service is in Interior), Alaska Governor Sarah Palin pointed out that "[t]he listing of a currently healthy species based entirely on highly *speculative* and *uncertain* climate and ice modeling ... would be *unprecedented*." [emphasis added] After reminding the secretary that listing the polar bear due to global warming would not increase the species' numbers or cause melted sea ice to refreeze, Governor Palin made this perceptive prediction: "It is highly probable that among [the listing's consequences] will be third-party lawsuits from litigants with a variety of motivations to list large portions of Alaska's North Slope as critical habitat or to limit emissions of greenhouse gases throughout the United States."

MOST AMERICANS are unfamiliar with the ESA's "species-first/people-last" orientation and record, due largely to the major media's failure to report on its harsh impact on people. Therefore most Americans will be surprised by the severe consequences these "third party lawsuits" could bring. Third-party litigants are salivating to challenge oil drilling on Alaska's North Slope. The primary potential litigant in this category is the Center for Biological Diversity, the lead organization in the polar bear's greenhouse gas-based listing petition. "The [CBD] staff brandishes the [ESA] like a blunt-force instrument," said the *Tucson Citizen* (January 29, 2008), having filed 500 petitions and lawsuits under the Act's "Citizen Suit" provision in the last 18 years. If the polar bear is listed due to global warming's declared effects on its habitat or food sources, CBD and other eco-activist litigants will waste no time suing the Environmental Protection Agency to compel enforcement of the ESA's polar bear protections.

These suits will demand that any industry, company, or individual that emits CO² in any quantity, anywhere in the country, be enjoined from further releasing CO₂ into the atmosphere because it threatens the polar bear's survival. The number and types of essential products and activities that would be targeted by such lawsuits, beginning with the oil and gas industry, are limited only by one's inability to grasp the full impact of this development. Not only would the barring of oil and gas extraction from the vast supplies on Alaska's North Slope drastically drive up the price of gasoline

and natural gas for all consumers, but it would make the United States even more dependent on securing those critical commodities from unstable and unfriendly nations, which in turn threatens our national economy and security. And for this noble public service, these eco-litigators will be entitled to an award of attorney fees from the federal government — in other words, from us as taxpayers.

Other third-party litigants — some in very high places — are already knocking on courthouse doors, urging judges to enjoin and award damages against industries that emit CO². In *CPR's* January/ February

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Most Americans, unfamiliar with the ESA's species-first/people-last orientation and record, due largely to the major media's failure to report on its harsh impact on people, will be surprised by the severe consequences these third party lawsuits could bring.

2008 issue, my colleague Tim Sandefur and I told how California Attorney General Jerry Brown's "public nuisance" lawsuit seeking multi-million-dollar damages against the six major automobile manufacturers because their automobiles emit CO², was ill-founded, frivolous, and unlikely to succeed. That's because it would be nearly impossible to induce any judge or jury to find automobiles a public nuisance. We were right; Brown's case was thrown out by the trial court. He likely will also lose on appeal.

However, if the polar bear becomes a listed species

because of global warming, Brown's legal crusade against the auto manufacturers vastly improves. Not only can he also sue the Environmental Protection Agency, seeking injunctions to stop the manufacturers from producing vehicles that emit CO² because it harms the polar bears, he can also sue the automobile manufacturers directly on the same basis, with every car sold in California being a separate violation. Brown's potential for recovering enormous monetary damages would drastically increase, inevitably causing the manufacturers to consider not selling cars in or for the California market. Next targets would be the oil companies, power plants, agriculture producers, and potentially every enterprise that emits CO².

Perhaps those of us who have worked in the courts of law and the court of public opinion to make the Endangered Species Act more people-friendly should see the global warming-generated polar bear listing as a positive development. Perhaps it will take the severe economic and social consequences of one or two of those third-party lawsuits to awaken people, to awaken the recognition among large numbers of ordinary Americans that sustainable civilization requires common sense and balance. As written and implemented for the past 35 years, the ESA is lacking in both.

CPR

Correspondence

(Continued from page 2)

duce his bill to load new burdens on ammo sales, including registration of sellers and background check (*de facto* registration) on purchasers. His bill won't stop crime; it's purpose is to slam his ideological enemies.

Here's how: a background check costs \$17 to \$25. Imagine going to Wal-Mart for a 99-cent box of 22 rimfire ammo, being handed forms similar to purchasing a firearm, and being charged \$25 for a background check. The Justice Department takes up to 10 days to complete this type of check, so expect a lengthy waiting period before taking home your ammo.

Enough harassment? Not for DeLeon! He also wants to make it illegal

for customers to touch boxes of ammo in the store unless assisted by an employee who has also been required to pass a background check. Mail-order purchase of ammo would be so regulated as to be made impractical, effectively ending them.

DeLeon sponsored AB 362 in 2007 with these provisions but was surprised by Senate Public Safety Committee Chairman Gloria Romero who unceremoniously gutted the bill, amending it to provide for "study" of its potential costs. There is little doubt they would be huge. Initial estimates say the DeLeon-mandated expansion of the DOJ workload and database would cost something like \$20 million. DOJ presently processes tens of thousands of firearms buyer background checks

yearly; Californians purchase ammunition hundreds of thousands (perhaps more than a million) times a year. That's a geometric expansion in workload, bureaucracy, and government interference in our lives.

But DeLeon probably figures DOJ will eventually persuade itself it needs to hire more bureaucrats and expand its "mission." So, presumably confident that any fear Democrats hold of steeply increased costs will eventually wither, he now threatens to reintroduce his bill. This measure won't stop a single criminal from acquiring ammunition. It will only harass law-abiding citizens. That's what it means to be "anti-gun."

Robert Hastings
Huntington Beach

CPR



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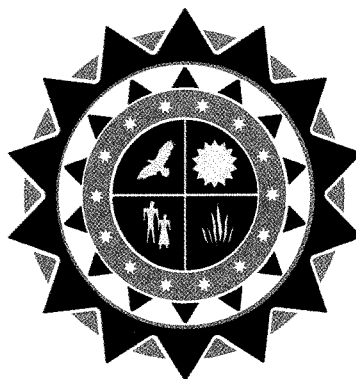
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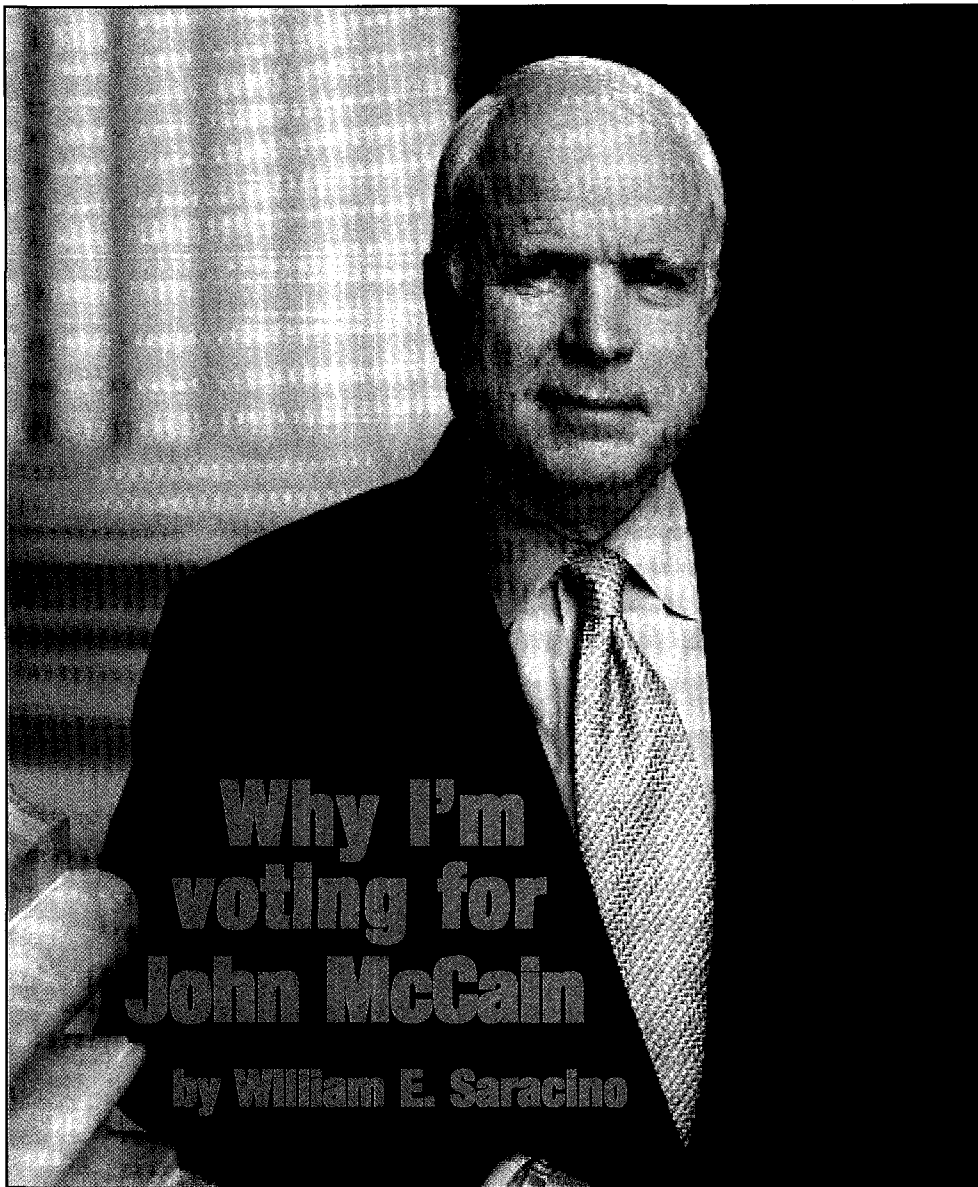
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*The fault, dear Brutus, lies not in the
stars but in ourselves, that we are underlings.*

— Cassius to Brutus, Shakespeare's *Julius Caesar*

I ended up voting for Mitt Romney in the California primary — a man I like well enough but do not trust on several important issues. I plan on voting for John McCain in November — a man I like not much at all and do not trust on several important issues. I know I had lots of conservative company in my primary vote for Romney and its rationale. Whether or not I have lots of conservative company in my general election vote for McCain could spell the difference between victory and defeat for the GOP ticket.

To continue with the Shakespeare theme, for conservatives this is

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indeed the “winter of our discontent,” and it is frankly unlikely to blossom into “glorious summer” for us. Yet we have important decisions that must be made. They will not be put off because we are feeling grouchy and put-upon. Before going into my decision to vote for McCain I think it important for conservatives to ask ourselves how and why we find the movement in this predicament.

The answer to that lies in Cassius’ advice to Brutus. The fault is not in the stars, nor is it to be found in John McCain’s campaign. The fault lies in ourselves. We are underlings this year because we deserve to be.

Many positive points can be made about the conservative movement in 2008. It is larger, and, arguably, at least potentially more influential, than ever before. None of the GOP candidates at any point during this nominating season wanted to be known as anything but conservative. The question on every reporter’s lips for every Republi-

can leader, from the president on down, is “Is John McCain conservative?” And the answer from any of those leaders who wish his campaign well is: “Certainly.”

My point here is not whether any of the candidates actually are conservative or not, but

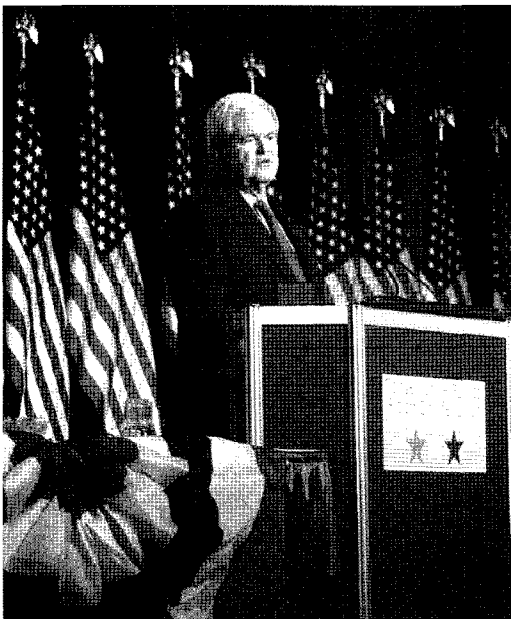
that “being conservative” is the absolutely-recognized gold standard, not only among Republicans, but across the country. And, of course, nobody, not even the furthest left

Democrat wants to be called “liberal” or to defend what that Mark of Cain label has come to mean, quite accurately, in the public mind: big, bungling, bureaucratic government; high taxes; activist judges; blame America first; retreat from the world; and all the rest. Any of us old enough to recall the 1960s and 1970s know this nation has come a very long way to find itself at such a point. To use a phrase accurately for once, conservatism *is* America’s political “big tent” — and if you want to be in on the action, you must at least convince most voters that that is where you both are and belong.

One of our movement’s strengths now, in this election season, at a time of great urgency for our nation, is not, unfortunately, a recognized, unifying national leadership

However, unlike the RINO “big tent” — described once to a tee in these pages by Lyn Nofziger as “having lots of room, just no people” — the conservative movement is rich with (to employ another much-abused word) diversity of opinion, not, for the most part about basic principles, but about their application. People in our movement do what is supposed to have become obsolete: *think* about *ideas*, coming to diverse conclusions about what they mean and how they can be made to live in the real world. The left, of course, considers thinking dangerous, and is consequently characterized by lock-step agreement on every point. At the level of ideas, almost nothing separates any of the Democrat candidates. The differences between Hillary and Obama are all about personality, style, strengths and weaknesses in their appeal to voters — but both can be relied upon never to stray to any significant degree from leftist dogma.

But conservatives argue all the time, which is not dangerous, except when the time comes to move together. One of our movement’s strengths now, in this election season, at a time of great urgency for our nation, is not, unfortunately, a recognized, unifying national lead-



Newt Gingrich at the 2008 Conservative Political Action Conference.

ership. Consequently, our movement lost to a candidate who was (with good reason) written off as dead mere months ago. We lost to a candidate who was out of money and who — as recently as Thanksgiving — was registering, within the margin of polling error, essentially zero in national surveys.

An old political saying holds that “you can’t beat somebody with nobody.” With all due respect to Governor Romney, Mayor Giuliani, Senator Thompson, Governor Huckabee, and Congressman Paul, we offered up nobodies — of various stripes and orders of magnitude on different issues — as the conservative movement’s alternative to the Grumpy Old Man from Arizona. And please, I hope partisans of all the “also-rans” spare me their outraged emails. I write this to point out weaknesses in a *movement* I care about deeply and have devoted decades to, not to disparage any individual candidate or his handlers.

Had the “anybody but McCain” field contained an obvious conservative champion, that person would, *ipso facto*, be the presumptive GOP nominee today. Had such a person existed you would not have had the top 25 conservative leaders in the country (pick 25, any 25) hopelessly splintered in their endorsements. You would not have had the foot soldiers of the conservative movement wandering around aimlessly like extras on the TV show *Lost*, nor conservative voters hopelessly split in important primary elections. This lack of an obvious conservative standard bearer, more than any other fact, explains why the prickly personality from cactus-ville will be the GOP nominee. The conservative movement didn’t have its act together. That is not John McCain’s fault.

I had my own favorites among the also-rans, and frankly assumed I would vote for someone other than Romney up to about 10 days before our primary. But, one by one, the would-be conservative standard bearers proved that not only did the emperor have no clothes, but also no skin. Regarding all of the also-rans, to paraphrase Dorothy Parker, there was very little there there.

I voted for Romney fully expecting him to

lose, but unwilling to make things too easy for the *New York Times*’ favorite Republican. If the Romney coalescence had occurred even two weeks earlier than it did, he might still be in the race, running neck and neck with McCain. It didn’t. Had Giuliani decided he couldn’t take the first six weeks of the primary calendar off, he might be the conservative anti-McCain. He didn’t. If Fred Thompson had exhibited any signs of a pulse in public, especially early last spring, he could easily have corralled many conservative leaders. He didn’t. If I had a full head of curly black hair my social life would no doubt be more interesting than it is. I don’t, and if pigs had wings they could fly.



Rush Limbaugh

HALFTIME

So, what’s a conservative to do? Shall we merely quote another famous line (from John Greenleaf Whittier): “Of all the words of tongue or pen, the saddest are these ... it might have been”? Or should we do what a good football coach does at halftime in a game his team should be winning and isn’t because it is not performing to its potential? That is: examine our mistakes, learn from them, remember our strengths and go back to them. We find ourselves as underlings this primary season, and the worst thing we could do now is blame our stars or McCain or anybody else. Wherever any blame may lie, the only portion we can do anything about is our own. *That* is the blame that we must examine, not to dwell on it, but to avoid continuing to make the same mistakes. Now to November is our time for unity. If we continue to fail to see and act on that obvious truth, the fault, as Cassius said, will be in ourselves, and only in ourselves.

I think it was a Democrat blogger who, com-

menting on McCain's triumph over conservatives, asked the relevant question: "Who'd you have who was better?" If we are

honest with ourselves we need to admit that the answer is "no one." As conservatives we believe in the market system and the unchallengeable wisdom of the "invisible hand" of free markets. My fellow conservatives, the political free market has clearly spoken. The invisible hand has made its choice — that it has given us the finger does not invalidate the result. And frankly I don't think it means

we mis-read the market, as much as that we fumbled the opportunity to present the buyers in the market with our best choices in their best light.

In the long run I do not worry about the health of our movement. Our bench contains some real super-stars in waiting, among them Governor Mark Sanford of South Carolina, Congressman Mike Pence of Indiana and Governor Bobby Jindal of Louisiana. Newt Gingrich continues to spout more inventive ideas in a week than anyone else does in a year. Alas, having more baggage than most luggage stores, I think Newt is destined to be our idea man, not our nominee. But he is a *great* idea man.

The conservative movement survived Nelson Rockefeller, Lyndon Johnson, Gerald Ford, and Jimmy Carter. We'll be just fine. However — for quite literally the first time in my life — I'm not sure the country will be just fine. That's why I must vote for ... no, I can't say it ... oh sure you can, have another martini ... *noooo*, I

can't write it ... yes Bill, you must ... gulp, gulp, thank God for Bombay gin ... okay ... that is why I must vote for John McCain.

THE PARAMOUNT ISSUE

As I said at the beginning of this article I don't trust McCain on several important issues. This litany (to name only a few of those issues) will be familiar to conservatives and political observers: First Amendment free speech; immigration; environmental extremism, and his willingness to pander to the press. However I *do* trust him on the paramount issue — the security of the United States. To me that is game, set, and match to McCain. The matter deserves — and many conservatives require — more discussion than that however, so let us proceed.

I wrote (in "Making up my mind," *CPR*, Nov./Dec. 2007) that conservatives should keep the big picture in mind, and remember that on the two issues that matter most, national security and the courts, *any* of the Republican candidates would be vastly superior to Hilbama. Although at the time I thought I was preparing myself and other conservatives to have to vote for Giuliani in November, I meant what I wrote then, and still do. I know many conservatives were prepared to cast both primary and general election votes for my *paisan* Rudy in spite of his apostasy on guns, marriage, and life. I find it strange, then, that these same conservatives will have trouble voting for John McCain, who is in near total agreement with us on guns, marriage, and life.

The answer lies largely in personalities. When Rudy Giuliani disagrees with us he does it with a smile. John McCain does it with a snarl, usually throwing in some personal invectives for good measure. Much of the time, he does not seem to be a terribly happy man. But let us remember we are not electing a cruise director or casting the role of Ozzie and Harriet's good-natured neighbor. We are electing a president and commander-in-chief. That means, among other things, that we're looking for someone who will scare the bejeebers out of the world's bad guys to keep our country safe. At least to me the sometimes *very* tightly wound McCain clearly fills that roll.

I also trust the senator on judicial appoint-



Alternative to McCain #1

ments, though not as assuredly as I do on security issues. I was a vocal critic of the "Gang of 14," and thought it terribly poor politics at the time. However, the results have been the confirmation of Roberts and Alito to the Supreme Court and half a dozen excellent nominees to circuit courts.

Any Washington observer who is being fair will admit that there is little doubt that the Democrats would have successfully filibustered and defeated the Alito nomination and the Janice Rogers Brown nomination were it not for the "gang of 14" agreement.

*Let us remember we are not
electing a cruise director or casting
the role of Ozzie and Harriet's
good-natured neighbor. We are
electing a president and
commander-in-chief.*

At the time I was an advocate of the "nuclear option." Had that trigger been pulled we would no doubt have a few more conservative justices on courts across the country. But what about now? The nuclear option is of no avail when you have 45 Senators. And what about next year if Hilbama wins and has a Democrat Senate to work with? Who among the Republican supporters of the nuclear option in 2006 will have moral standing to oppose the tactic in 2009 if the Democrats try it? The agreement worked out by the gang of 14 may be the last lifeline the Republican Senate minority has in 2009 to fight liberal Democrat judicial nominees.

Two recent events bolster my confidence in what a President McCain would do with judicial nominees. One is the announcement that former Solicitor General Ted Olson joined the McCain campaign. Olson has 24 karat conservative credentials. He does not throw his endorsement around lightly, and can be expected to have a major role in judicial selections

in a McCain administration.

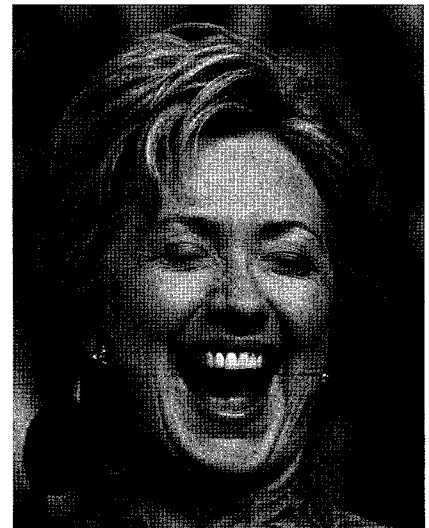
The second is McCain's speech at CPAC, where he specifically committed to naming justices like Roberts, Scalia, and Alito, and specifically named Olson as the "go to" guy for him in making judicial appointments as president. Each of us has to decide whether we believe McCain or not. It would take a deviousness and perfidy that I judge to be beyond McCain for him not to live up to this promise as president.

Also at CPAC McCain pledged to consult with conservatives on essentially every major issue he would face. He did not promise to agree with us, or to do everything we ask him to. No President in my lifetime, including the sainted Ronaldus Magnus, has agreed with us all the time or done everything we asked him to.

Reagan was the greatest president in the past 60 years, yet he came within a whisker of making Gerald Ford his "co-president," and named George H.W. Bush his vice president, skipping over any number of solid conservatives he could have picked. He put Sandra Day O'Connor on the Supreme Court and made James Baker his chief of staff. The point is not to disparage the Great Gipper, but to put our choice in 2008 in some perspective.

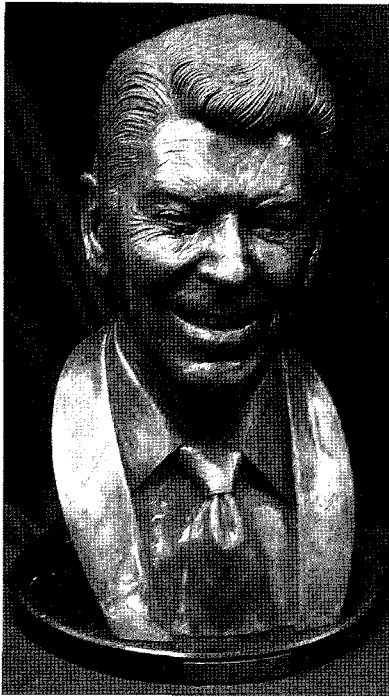
I've no doubt that we conservatives will have issues with President McCain, including the aforementioned immigration, environmental extremism, etc. When we do, it is up to us to make sure our ideas are the best ones in the debate, presented in ways that provide as much light as they do heat. If we truly think our movement has better ideas than the left, we should not be afraid of winning the battle of ideas with a President McCain.

One last issue remains to be addressed, and that is the idea that the conservative movement



Alternative to McCain #2

would be better off in the long run battling a President Hilbama than trying to work with a President McCain. As one who proudly worked to defeat Gerald Ford in the fall of 1976 in order to pave the way for Ronald Reagan, I understand the argument.



But guess what? This is not 1976. We do not have a Ronald Reagan waiting in the wings. If we did, he would be the presumptive GOP nominee today, not John McCain. More importantly, the country was not at war in 1976. We are today. It may in fact be true that President Hilbama and a Democrat

Congress would screw things up so badly that a conservative-dominated GOP would be resurgent and sweep all before it in 2010 and 2012. But ...

1) What if we're wrong? What if Hilbama and the Democratic Congress manage to keep all the balls in the air whilst they plunge the country headlong down the road to more socialism? What if the economy revives just enough to give President Hilbama increased Democrat majorities in 2010? Those who look to 1976 and 1980 as an example should remember that the hapless Jimmy Carter led Ronald Reagan in most surveys as late as October 1 of 1980.

2) What if we are right, and we *can* elect a conservative president in 2012? In the meantime, President Hilbama will have nominated and gotten confirmed to the Supreme Court three and perhaps four or five Ruth Bader Ginsburg clones. What does a conservative president or congress do in the face of a 6 to 3 majority of committed, hard-left Supreme Court justices?

What happens to the social issues that my "can't vote for McCain under any circum-

stances" brethren on the right say are so important to them? What happens to the president's ability to defend the country through wire-taps of our active enemies?

So it comes down to a matter of "who do you trust?" I should say that McCain's choice of a running mate is exceptionally important to me, not to mention the conservative movement and the country. I think that when all is said and done a large majority of conservatives will vote for McCain in November. The selection of an unacceptable running mate would likely change all that. I am hoping and lighting candles for a young, aggressive conservative running mate for Mr. Grumpy.

But the ultimate bottom line is pretty simple — who do you want responsible for the health, well-being, and survival of the country the next four years? When the next terrorist threat emerges would you rather have Hilbama's national security credentials and background or John McCain's ruling the debate in the White House situation room? When judicial vacancies occur would you rather have Ted Olson and the Federalist Society or James Carville and Alan Dershowitz making recommendations for court nominations? On the broad range of policy considered in any four-year term would you rather have an opportunity to present, explain, and argue for the conservative agenda in the West Wing or be stopped at the Pennsylvania Avenue gate?

I, like many conservatives, have grievances with John McCain. Part of the reason of course is that in our battles he has given at least as good as he has gotten — and that makes us mad. I understand the *sturm und drang* my fellow conservatives are going through. I share many of the same feelings and misgivings. Yet our final answer for November must get beyond hurt feelings, grudges, and wounds from past battles. Our decision must hinge on the answers to the questions posed in the preceding paragraph.

To me at least, those answers could not be more obvious and can lead to only one conclusion. John McCain for president.

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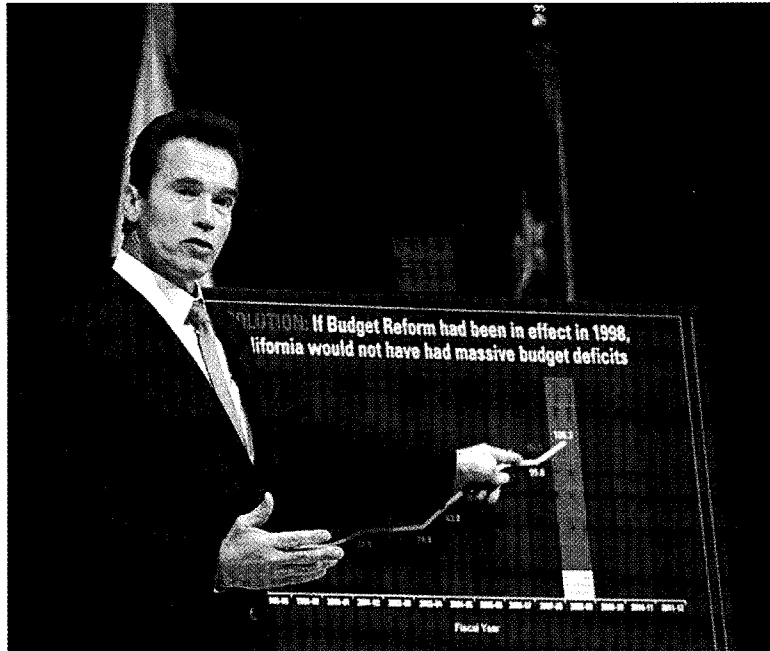
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New lyrics ... but the same old tune

State lawmakers and governors keep making the same budget mistakes leading to the same disastrous results. Why don't they every learn? Or maybe they do, and //ke the results



by Ray Haynes

Almost everyone has heard the great old tune *Stand By Me* by Ben E. King. It was a top ten hit in 1961, and then again in 1986 when the movie of the same name came out and the song was re-released in its original 1961 version. One of those timeless hits, it has an unforgettable melody, beginning with the opening base line (and a little percussion) that is instantly identifiable.

So when (last year) I heard that opening rhythm line playing underneath Sean Kingston's *Beautiful Girls*, (one of my daughters had

Frequent CPR contributor Ray Haynes served in the California Legislature from 1992 until 2006.

bought it online for her Ipod), I thought I recognized my old favorite. But what, I asked, had possessed my daughter — whose taste usually runs to weird, lyric-less, melody-less, pounding

“music” — that had induced her to buy King’s great, old classic? But then I heard the Sean Kingston “lyric” and was relieved to hear the familiar pounding, melody-less noise covering the classic rhythm line and was, thus, reassured that my daughter was still herself. Still, that line is there. Some musical elements just never go away.

somewhat similar thought occurred to me when I saw Governor Arnold Schwarzenegger’s 2008-09 budget — if anything, much more strongly. I recognized an old tune — a timeless revival from the budget crisis of 1991-94 and the budget crisis of 2001-04 and doubtless from as many other modern California state government budget crises as the state have seen, stretching back through the mists of time. The old rhythm is, as usual, covered over with a new layer of noise, but the throbbing beat just below the surface is, in each case, exactly the same.

The run-up to this year’s crisis is exactly the same as it was before. The 1991-94 crisis was brought on by a spending spree following the Reagan economic boom of the 1980s. Reagan’s 1981 tax cuts led to an unprecedented growth in the economy. That led to unprecedented tax receipts. And that led to a Democrat spending spree.

In 1986, following an example set by Governor Reagan, Governor George Deukmejian tried to hold back that spending spree by giving people a tax rebate, but the teachers’ union and the Democrats (who like to call *other* people greedy) mixed that by convincing voters to pass Proposition 98

in 1988, a measure essentially prohibiting state government from ever giving a tax rebate again. Only cutting tax rates is allowed; any surpluses must be handed over to the education bureaucracy. Deukmejian no longer had discretion, and the growth in state spending exploded.

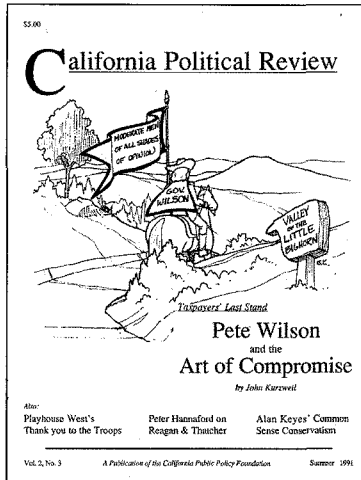
Then the economy slowed in 1991 and the budget collapsed. Governor Pete Wilson proposed tax increases to cover half the deficit, and spending cuts to cover the rest. Democrats praised the tax increases and howled about the cuts. Republicans screamed about the tax increases and Wilson called them f---ing irrelevant.

Pete Wilson proposed tax increases to cover half the deficit, and spending cuts to cover the rest. Republicans screamed about the tax increases and Wilson called them f---ing irrelevant.

He ultimately induced seven Republicans (including the later more infamous Paul Horcher) to support his tax hikes, hikes that failed to produce the promised deficit-covering revenues, hikes that, instead, plunged the state further into recession, while revenues actually dropped. Wilson then had to solve the deficit problem with real budget reductions (\$1.2 billion in reduced spending over a two-year period). Finally, when the Wilson tax increases had all either expired or been repealed, the economy started to grow again, state government revenues came back, and the crisis was abated. Tax revenues, and state spending, grew exponentially, from \$41 billion to \$57 billion between Wilson’s 94-95 budget and his final budget, for 98-99.

Wilson was replaced by Gray Davis, the state’s first Democrat governor in 16 years, and the spending spree became a real orgy. While spending had increased by \$16 billion over the previous four cycles — between fiscal years 94-95 and 98-99 — in just one year, between 99-00 and 00-01, spending increased \$22 billion. And then in 2001-02, like Ben E. King’s returning rhythm line, the economy slowed, a slowing caused mostly by a massive piling-on of business regulation

Portraying Gov. Pete Wilson as Gen. George A. Custer, an early California Political Review covered the GOP governor’s disastrous budget dealing with Democrats.



implemented by the Davis administration. Then, following the manuscript note for note, the budget collapsed again and Davis said we should increase taxes again, hearkening back to the Wilson example of how “Republicans and Democrats worked together” — *without* reminding anyone, of course, about the counterproductive failure of that joint effort.

Republicans, this time, were able to say no to the tax increases and make it stick. Instead of falling into a tax-and-regulation-created recession, California’s economy picked up. Then, as President George W. Bush’s tax cuts took effect nationally, the overall economy began to grow again, and California’s tax revenues came back. Davis did not benefit from this growth, however, becoming embroiled in a burgeoning recall effort that swept him from the governor’s office in 2003. That effort was fueled by promises emanating from our current governor, who cited Ronald Reagan and Milton Friedman as his exemplars, that he would “clean house” in Sacramento, ending wasteful, special interest manipulation of fiscal policy and reducing government interference in our lives and its burden on our wallets. And Governor Schwarzenegger did, in fact, do a good job his first year (2004) in office. He brought spending under control, initially proposing a spending cut in his January budget, later agreeing to a “small” (\$100 million) increase in spending, and, finally, actually holding spending down to less than a billion dollar increase in the 04-05 budget — a difficult job, given our spendthrift Legislature.

NO SURPRISES

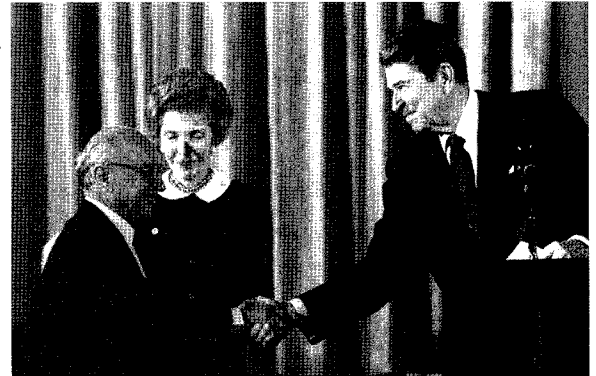
Then the wheels fell off.

As the economy grew, the classic old rhythm line pulsed irresistibly back into life one more time. The revived economy brought state tax revenue surging back up, and the spending spree was on again. This time the noisy lyrics were written by a *Republican* governor who’d decided to join with the spendthrift Democrats in the Legislature. Spending of \$79 billion increased to

\$101 billion in the two-year period of the 05-06 and 06-07 budgets. And it increased again in the 07-08 budget, setting the stage for yet another budget crisis.

To be clear, the current crisis was no surprise to those in the Legislature. Another constant factor in this age-old budget tragi-comedy has been a constant voice (meeting a uniformly hostile reaction from the short-sighted powers at the top) heard through the 1990s crisis, the crisis earlier this decade, and into the current crisis — the voice of Tom McClintock. He was the loudest objector to the Wilson budget (and was punished by the Wilsonians for his impertinence). He made the same points during the Davis crisis, bringing unspeakable names raining down upon him from the Davisonians. And, in the current crisis, he objected to the massive increase in spending by the current administration.

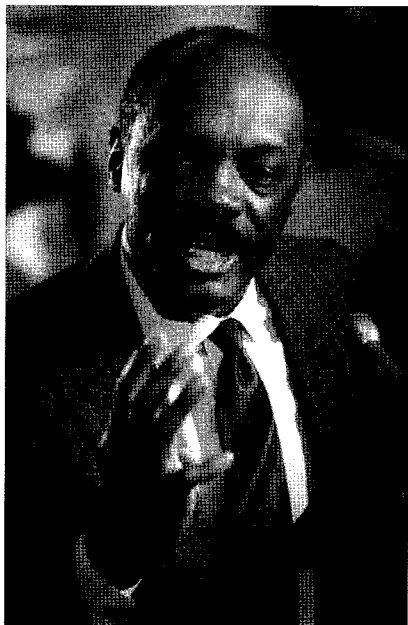
As a thank you for his concern for the state of California, the current administration froze him out of support and funding during his run for lieutenant governor. Had the current administration actually listened to him instead of treating him like a pariah, the Schwarzeneggarians would not now be facing the old familiar crisis. McClintock



Heroes Governor Schwarzenegger used to say he wanted to emulate.

warned the Democrats, warned the Republicans, warned anyone who would listen that the same-old crisis-line was leading to the same-old predicament, as it had so many times before. As before, he was ridiculed. And as before, he was right. In the Assembly, I sounded the same alarm, and was threatened with reprisal by the governor’s political people. As a candidate, also in 2006, for California State Board of Equalization, I too ultimately lost my election (not for that reason — but I *can* say that, despite sticking my neck out for the governor when he ran during the recall, his staff threatened that I might find the governor opposing my election if I continued to point to

the perils of his high spending. So much for uniting the Party).



WILLIE BROWN

The truth is that anyone who had the slightest knowledge of the state's recent history could easily predict this crisis. It was not inevitable, and its causes were identical to those that created the previous two crises.

So, what about the current budget? What is it, and how can it be fixed? Well, what it is, like all recent state budgets, is an employment program for liberal bureaucrats, a power- and prestige-enhancing scheme for political office holders, and a vehicle for creating, not ameliorating, "problems" (worsening problems create more demand for future programs). What it is *not*, most emphatically, is a public service document, *i.e.*, designed to serve the general interest of the people overall. It is simply unconcerned with providing the minimum that any of us would demand, before paying for its services, of any entity with which we do business voluntarily: a concrete assurance as to what we are buying and that we are buying it at an at least broadly reasonable price.

PUBLIC SERVICE IT ISN'T

The state budget dynamic is designed specifically to trample these normal interests of the public, to give us, in fact, precisely their opposites. The process *maximizes* costs while studiously avoiding anything like real solutions to anything — solving things only removes bureaucrats' *raison d'être*. (As Willie Brown once declared in denouncing a proposed budget cut: "I won't support any proposal that will bring increased unemployment!" — meaning anything that would

diminish the number of bureaucrats' "jobs.") Budget crises come again and again, not *despite* their predictability, but because of it. Everyone in the Capital knows how they are created and enough people in positions of power *want to create them* — and do so, to serve their own selfish purposes. Contrived crises of all kinds are the lifeblood of every modern welfare state; budget crises are only among the more prominent examples of them.

Politicians will, to be sure, come up with lots of devices for seeming to address the budget crisis — accounting tricks, for the most part, or, as they are called in government, "smoke and mirrors" solutions. But make no mistake: only three things can fix the budget: spending cuts, spending cuts, and spending cuts. No magic bullets will do it, nor will secret formulae, inside deals, or, above all, tax increases, especially not those tricky tax hikes disguised as so-called "fee" increases. Cutting spending is the only way; until you see lawmakers doing that, whatever else they may be doing, be assured they are *not* fixing the budget.

So let's start with an analysis of the budget, then an analysis of the future of the budget. First, total general fund spending in the proposed budget is just shy of \$112 billion. Let's put that in perspective. From 1850 to 1998, state spending grew from \$0 to \$53 billion. Ten years later, state spending is \$112 billion — \$58 billion more. The year following the 1997-98 \$53 billion budget, the state cut the car tax and total general fund expenditures were \$57 billion. That means state spending since the car tax was cut has increased more than the total state budget for the year the cut was made.

Now, I was actually alive in 1998. I remember the debate over cutting the car tax. Democrats said cutting the car tax would devastate our schools, destroy our safety net (health and welfare spending for those of us who actually pay for it), and cause the university system to collapse. What really happened?

Since the car tax cut, school spending has increased an average of 4.5 percent per year, health and welfare spending has increased an average of 10 percent per year, and the university system has increased an average of 3.1 percent per year. Expenditures on the Healthy Families program grew from \$16 million to \$432 million. We were

promised that the federal government was going to pick up the lion's share of the cost of this program when it started in 1998. It is now consuming huge portions of the state budget, and is completely out of control, growing an average of 40 percent per year. But Democrat rhetoric never changes, no matter how much factual refutation of this kind confronts it. Both liberal talk and the liberal system continue to ignore political and economic reality; that's because the talk exists to

*State spending since the car
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cover and justify a system that is a fraud. Neither the system nor the anguished liberal rhetoric defending it have anything to do with serving the people. Why, then, should the truth diminish the phony rhetoric when it has no effect on the fraudulent system?

Another out of control budget item is the public employee pension and retiree health care system. Contributions to the State Teachers' Retirement System rose from \$293 million to \$1.279 billion in the last ten years. Retiree benefits payments grew from \$310 million to \$1.263 billion in the same period, an average of 15 percent per year over the last ten years. We are at the tipping point. Soon we will be paying more for those who have retired from government work than those who are actually working. So who does this system serve? The people of California? Or those in power over them?

The *Governor's Budget Summary 2008-09* identifies the problem:

The structural deficit was created when the state added new, permanent spending increases that relied on these one-time revenue gains. In addition to major new commitments, costs in many

state programs have been driven up by spending formulas, caseload and population growth, wage and provider rate increases, and court orders.

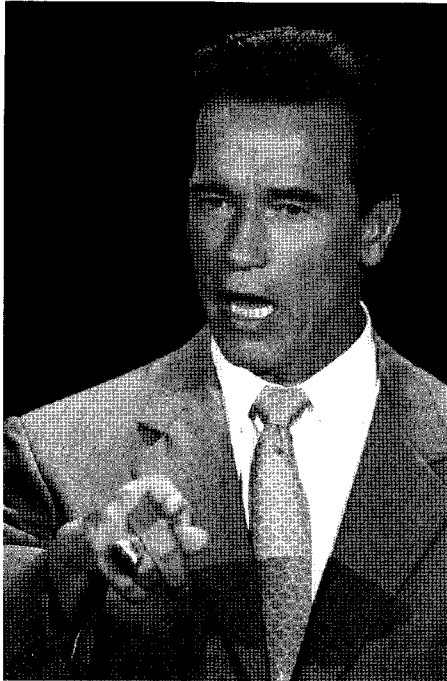
The *Summary* also identifies (in a section sub-headed "The Fiscal Crisis of 2003-04 and the Workout Plan of 2005-06") how the state reached this point:

When the revenue boom of 2000 turned to bust in the recession of 2001, the higher rates of state spending enacted during the boom years resulted in one of the worst deficits in the state's history. In response, the budget of 2003-04 borrowed money to cover the deficit of the prior year and closed the budget gap with over \$5 billion in one-time solutions, leaving the state facing a \$14 billion budget gap in the subsequent year. The Governor's Budget for 2004-05 proposed a workout plan for the state's budget by proposing to re-finance the borrowing begun in the previous year and restrain spending growth, thus buying time for normal revenue growth to catch up with spending demands and bring the state back to long-term fiscal balance. Had this plan been fully implemented, the state would not have a structural deficit today.

However, the plan was never fully implemented. Shortly after the workout plan was proposed, state General Fund revenues experienced another unanticipated growth spurt. The unanticipated revenues built a large reserve, which made it possible to balance the budgets for 2005-06 and 2006-07 without making major program reductions. Given the improved revenue picture and the difficulty of the choices that would have had to have been made to restrain spending growth rates in the long term, the Legislature declined to enact the statutory changes necessary to slow overall spending. In other words, the most important element of the workout plan — spending restraint — was never put in place. While revenue growth slowed somewhat in 2006-07, spending continued to grow. This was not because of any major new commitment, but because not enough had been done to change the underlying statutory programs that were driving spending increases. While 2005-06 and 2006-07 budgets were enacted with a prudent reserve, the structural deficit remained. Our projections in both of those years showed that the deficit would re-emerge in 2007-08.

Rather than address the structural deficit, the Democrats spent the massive revenue increase, just as they had between 1999 and 2001. The

governor's Department of Finance warned against doing that; so did McClintock; so did I. And yet,



BLOW UP WHAT BOXES?

would, over time, mysteriously disappear without explanation. Fiscal responsibility serves the people, so it is not Democrats' concern. Democrats hold office to serve themselves and their privileged constituencies. And the only policy that serves *them* in times like these is a tax increase, so, watch them cry: We need higher taxes.

And the governor is trying to help them, without admitting he is again abandoning his campaign promises not to raise taxes, by calling for a "fire fee." Now this is simply duplicitous: fees are charged for specific services, like maintaining a particular public park, and paid by those who directly and particularly benefit from the service, like the park-goers who pay the day- or overnight-use fee when they enter the park. When the government takes citizens' money to pay for an essential government service (in this case a public safety service) it is levying a tax, not charging a fee. The governor is increasing taxes, breaking his promise to the people, and openly embracing the liberals' whole dishonest system of

pretending to serve the people while instead serving only the powerful. His silly attempt to "hide" all this by calling it a fee fools no one. Rather, it shows the governor has gone from merely lying secretly to lying without caring who knows it. His arrogance factor rises as his honesty factor disappears. This is a tax increase. The governor should admit it and remove it.

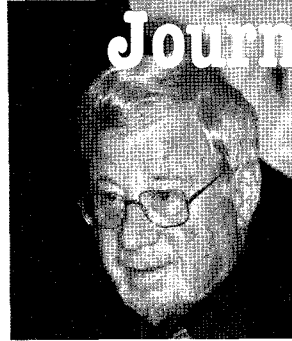
This budget crisis was created by an ideology that puts the people second in service to the state, in service to the few and powerful, and by a governor who refused to constrain it. This governor should go to a podium, say Tom McClintock was right, apologize to him and to legislative Republicans for ignoring and ridiculing them, and begin work on a "post-partisan" budget that doesn't capitulate to the Democrats. It is time for Arnold Schwarzenegger to get real"; but don't hold your breath waiting for that to happen.

THEN ... AND NOW

The day Ronald Reagan left the governor's office in 1974; total state spending (general fund) was \$8.6 billion. That year alone, state government financed construction of hundreds of miles of freeway, of university campuses, of the California Water project, of dams and other essential government facilities, and paid for the best public schools in the country. In those days, the government actually tried to serve the people.

Today, after 34 years, in a new era — an era of Willie Brown's dream of full employment for bureaucrats — we spend \$112 billion and can't build anything, though we can let our schools fall apart. We have 153,000 more state employees, and nothing gets done. Our houses cost too much, our freeways are overcrowded, our budgets can't be balanced, and we are running out of water, electricity, and gasoline. We are paying 10 times more for government services, and the people in Sacramento only cry out it is not enough: raise taxes and give us more. This budget crisis continues a tone-deaf, broken song, sung for the selfish benefit of the singers, not the people — who, even so, must still pay for the music. It's time to change the score, trash the over-used manuscript, move past the tired-out rhythm line, and re-invent — *really* re-invent — government of, by, and for the people. And let bureaucrat "unemployment" flourish across the land. CPR

Si Frumkin's Journal



Twelve suggestions for the candidates

The current selection of a candidate for the most important position on earth has, so far, resulted in creating the most confusing, unpredictable, and frustrating experience for the voting public. The experts are frustrated, the polls are inaccurate, economic news and constantly recurring foreign crises are depressing, and the confused electorate gives almost unprecedented low ratings to the politicians in both the executive and legislative branches of government.

The Democrat candidates have adopted "Change!" as their mantra without really elaborating what the changes might be, how these mysterious changes could be achieved given lack of cooperation between the political parties, and how they would be paid for. The Republicans also promise changes that are based on adherence to the policies and philosophy of Ronald Reagan — a president who left office decades ago.

The electorate "don't get no satisfaction!" from either of the parties. The public is mostly indifferent — it doesn't especially love or hate any of them or what they have to offer. The result? The largest percentage of undecided voters in history.

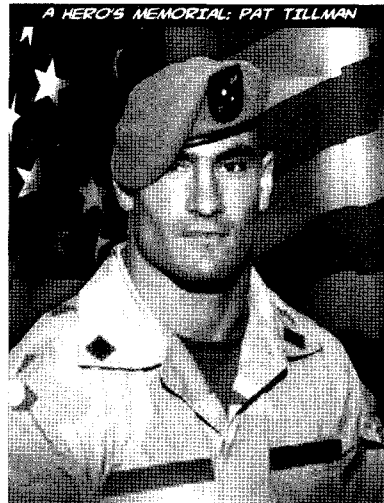
It almost looks as if all candidates shared one strategy expert who told them that the promise of change was the bait to be dangled before the voters.

Clearly, the expert is right. Americans *do* want change but they want something more than nebulous promises — they want assurances and sensible discussion of reasonable goals on matters that are supported by over-

Si Frumkin is publisher and editor of Graffiti for Intellectuals.

whelming majorities. There are no secrets involved here — polls have shown that an overwhelming majority of Americans from both parties support specific policies that are practically never mentioned by current candidates. Because of this support, these policies would have an excellent chance of bi-partisan acceptance in Washington. A candidate adopting them as a program in the name of national reconciliation, bi-partisan cooperation and just common sense would probably win the White House.

A number of these suggestions come from Newt Gingrich, the brilliant politician, historian, and philosopher who, unfortunately, is held in low esteem by our media. Others come from a variety of other sources. Here they are, in no particular order:



Initiate a policy to build and expand nuclear power production rapidly to reduce our dependence on imported oil. Nuclear power is clean, safe, and inexpensive. The problem of used fuel storage has been solved in countries like France, Japan, and others; we can use their methodology. It takes 10 to 12 years to construct and certify a nuclear plant. This time must be reduced but, in any case, we have to start now.

- Rush the construction of additional oil refineries. Our refineries are old and subject to stoppages. We do not have enough of them to process what we need efficiently and are plagued by constant price increases.
- Offer a prize of \$1 billion — or more — for the creation, construction, and marketing of a feasible car or truck that can deliver 100 miles per gallon.
- Give a tax deduction and a bonus for conversion of homes to be more energy efficient.
- Declare English to be our official language. Discontinue dual language policies for immigrants and others. Introduce more foreign language classes in schools for those who want to learn another language.
- Stop begging Saudi Arabia and other Arab nations to reduce the price of oil. Force them to reduce it to

\$50 per barrel. Use sanctions, diplomacy, and whatever else is needed — including the passage of tankers through the Persian Gulf — to stop the flow of billions to countries that use the money to incite anti-American hatred worldwide.

- Introduce a system of school vouchers that would provide scholarships for children at schools chosen by parents. This program would mimic the immensely successful GI Bill that provided free college education to American GIs after World War II. It would create competition between schools for the scholarship money by producing educated students.
- Work with Europe on a program to recruit workers in Latin America for work in Europe. This would provide an immigrant population that shares religion, background, and similar cultural and language skills with the host countries, unlike the currently, mostly Muslim, immigrants. It would also drastically reduce the pressure on our borders.
- Start immediately drilling for oil in our coastal waters and in the currently off-limits Alaskan fields. It has been shown that the local fauna — like caribou and others — are not disturbed or harmed by the oil pipelines.
- Respond quickly and effectively to attacks on our citizens here and abroad. As a suggestion, warn Iran that its only oil refinery would be destroyed unless Iran's help in killing American soldiers in Iraq is immediately stopped.
- Make the election of judges more transparent by making the judge's record of convictions, controversies, and complaints available to the voters.
- This one is optional but would bring votes — including mine. Promise never to pronounce the word "nuclear" as "new-cue-lar"!

I am sure that you can think of a few items yourself that would probably be acceptable to both Republicans and Democrats. Let your voice be heard — and if you want to make a copy of this column and mail it to a few politicians — well, that is just one more good suggestion.

CPR

ARTS & CULTURE



POETICS

By the numbers

BY MARK STEYN

The following column by Mark Steyn was written shortly before Christmas and employs Christmas as a launching point for a brilliant analysis of Western decline, happily cheered along by those whom Western societies themselves usually imagine are their leaders. Despite our lateness (in one sense) in getting to it, California Political Review publishes the column now because of the timelessness of the author's main points.

— editor

THIS IS the time of year, as Hillary Clinton once put it, when Christians celebrate “the birth of a homeless child” — or, in Al Gore’s words, “a homeless woman gave birth to a homeless child.”

Just for the record, Jesus wasn’t “homeless.” He had a perfectly nice home back in Nazareth. But he happened to be born in Bethlehem. It was census time and Joseph was obliged to schlep halfway across the country to

register in the town of his birth. Which is such an absurdly bureaucratic overregulatory cockamamie Big Government nightmare it’s surely only a matter of time before Massachusetts or California reintroduce it.

But the point is: the Christmas story isn’t about affordable housing. Joseph and Mary couldn’t get a hotel room: that’s the only accommodation aspect of the event. Senator Clinton and Vice-President Gore are over-complicating things: December 25th is not the celebration of “a homeless child,” but a child, period.

Just for a moment, let us take it as read, as Christopher Hitchens and Richard Dawkins and the other bestselling atheists insist, that what happened in Bethlehem two millennia is a lot of mumbo-jumbo. As I wrote a year ago, consider it not as an event but as a narrative: You want to launch a big new global movement from scratch. So what do you use?

The birth of a child. On the one hand, what could be more powerless





than a newborn babe? On the other, without a newborn babe, man is ultimately powerless. For, without new life, there can be no civilization, no society, no nothing. Even if it's superstitious mumbo-jumbo, the decision to root Christ's divinity in the miracle of His birth expresses a profound — and rational — truth about "eternal life" here on earth. Last year I wrote a book on demographic decline and became a big demography bore, and it's tempting just to do an annual December audit on the demographic weakness of what we used to call Christendom. Today, in the corporate headquarters of the Christian faith, Pope Benedict looks out of his window at a city where children's voices are rarer and rarer. Italy has one of the lowest birth rates in Europe. Go to a big rural family wedding: lots of aunts, uncles, gram'pas, gran'mas, but ever fewer bambinos. The International Herald Tribune this week carried the latest update on the re-

Mark Steyn is an Anglo-Canadian journalist, columnist, and film and music critic. This column appeared originally in the New York Sun, December 17, 2007.

morseless geriatrification: On the Miss Italia beauty pageant, the median age of the co-hosts was 70; the country is second only to Sweden in the proportion of its population over 85, and has the fewest under 15. Etc.

SO IN post-Catholic Italy there is no miracle of a child this Christmas — unless you count the 70 percent of Italians between the ages of 20 and 30 who still live at home, the world's oldest teenagers still trudging up the stairs to the room they slept in as a child even as they approach their fourth decade. That's worth bearing in mind if you're an American gal heading to Rome on vacation: When that cool 29-year old with the Mediterranean charm in the singles bar asks you back to his pad for a nightcap, it'll be his mom and dad's place.

I'm often told that my demographics-is-destiny argument is anachronistic: Countries needed manpower in the industrial age, when we worked in mills and factories. But now advanced societies are "knowledge economies," and they require fewer working stiff. Oddly enough, the Lisbon Council's European Human Capital Index, released in October, thinks precisely the opposite — that the calamitous decline in population will prevent Eastern and Central Europe from being able to function as "innovation economies." A "knowledge economy" will be as smart as the brains it can call on.

Meanwhile, a few Europeans are still having children: The British government just announced that Mohammed is now the most popular boy's name in the United Kingdom.

As I say, the above demographic audit has become something of an annual tradition in this space. But here's something new that took hold in the year 2007: a radical anti-humanism, long present just below the surface, bobbed up and became explicit and respectable. In Britain, the Optimum Population Trust said that "the biggest cause of climate change is climate changers — in other words, human beings," and Professor John Guillebaud called on Britons to voluntarily reduce the number of children they have. Last week, in The Medical Journal Of Australia, Barry Walters went further: To hell with this wimp-o pantywaist "voluntary" child-reduction. Professor Walters wants a "carbon tax" on babies, with, conversely, "car-

bon credits” for those who undergo sterilization procedures. So that’d be great news for the female eco-activists recently profiled in London’s Daily Mail boasting about how they’d had their tubes tied and babies aborted in order to save the planet. “Every person who is born,” says Toni Vernelli, “produces more rubbish, more pollution, more greenhouse gases, and adds to the problem of overpopulation.” We are the pollution, and sterilization is the solution. The best way to bequeath a more sustainable environment to our children is not to have any.

What’s the “pro-choice” line? “Every child should be wanted”? Not anymore. The progressive position has subtly evolved: Every child should be unwanted.

By the way, if you’re looking for some last-minute stocking stuffers, Oxford University Press has published a book by Professor David Benatar of the University of Cape Town called *Better Never To Have Been: The Harm Of Coming Into Existence*. The author “argues for the ‘anti-natal’ view — that it is always wrong to have children... Anti-natalism also implies that it would be better if humanity became extinct.” As does Alan Weisman’s *The World Without Us* — which Publishers Weekly hails as “an enthralling tour of the world... anticipating, often poetically, what a planet without us would be like.” It’s a good thing it “anticipates” it poetically, because, once

it happens, there will be no more poetry. Lest you think the above are “extremists,” consider how deeply invested the “mainstream” is in a total fiction. At the recent climate jamboree in Bali, the Reverend Al Gore told the assembled faithful: “My own country the United States is principally responsible for obstructing progress here.” Really? The American Thinker’s website ran the numbers. In the seven years between the signing of Kyoto in 1997 and 2004, here’s what happened:

- Emissions worldwide increased 18.0%.
- Emissions from countries that signed the treaty increased 21.1%.
- Emissions from non-signers increased 10.0%.
- Emissions from the U.S. increased 6.6%.

It’s hard not to conclude a form of mental illness has gripped the world’s elites. If you’re one of that dwindling band of westerners who’ll be celebrating the birth of a child, “homeless” or otherwise, next week, make the most of it. A year or two on, and the eco-professors will propose banning nativity scenes because they set a bad example. CPR



THE NATIONAL CHRISTMAS TREE, WASHINGTON, D.C.

Saving Lincoln from his friends

B Y K E N M A S U G I

Growing up in Illinois, Andrew Ferguson had a healthy admiration for Springfield's most famous resident. But it wasn't until years later that the controversial unveiling of a new statue of Abraham Lincoln in the former Confederate capital of Richmond, Virginia, set him off to travel the country, interviewing the officials, curators, collectors, reenactors, and management workshop executives who populate his new book, in order to see how our 16th president is remembered today.

A senior editor for the *Weekly Standard*, Ferguson engages Lincoln fans on their own terms — with all their vanity and vulgarity, not to mention their ignorance — yet without denying their attraction, however inchoate, for greatness. But what can you expect when Lincoln has largely been stripped of his noble achievements by the academy and *au courant* museums? Ferguson is dismayed to find that the Chicago Historical Society has dismantled the beloved

dioramas and deathbed scene that had moved him to tears as a boy. The “myth or the icon” had been replaced by “a Lincoln that’s much more human” — and ordinary.

This reduction is on display in the garish new Abraham Lincoln Library and Museum in Spring-

any way you want, cold or hot, jazz or classical. I can give you scandalous Lincoln, conservative Lincoln, liberal Lincoln, racist Lincoln, Lincoln over easy or Lincoln scrambled” (though evidently not hard-boiled).

The visible sign of this mushiness is Rogers’ boast that the Museum does not contain a single actual firearm. Smoking fake cannons stun the audience, but they will see no real weapons — swords, bayonets, rifles — or ammunition. “We made a conscious decision that we did not want to glorify war,” he explains.

Ferguson acknowledges those neo-Confederates who claim that Lincoln was a tyrant. He cites Thomas DiLorenzo’s error-riddled *The Real Lincoln* (2002) more than any other book, and not simply to knock it. The Lincoln haters, who blame unnecessary wars and big government liberalism on the Great Emancipator, seem to possess sharper contemporary political instincts than liberals who build bland, slouching statues of a merely life-sized Lincoln. Ferguson does not directly confront Lincoln’s current enemies, but instead tries to outflank them by saving Lincoln from his friends.

T raveling the Lincoln Trail through Illinois and into Indiana, together with his wise wife and wisecracking kids, Fergu-

Land of Lincoln

Adventures in Abe’s America

by Andrew Ferguson

Grove/Atlantic, Inc.

New York

2007, 304 pages, cloth

\$24.00

field, an extravaganza of “emotional engineering” and multi-screen special effects. The genius behind it all is Bob Rogers, a former Walt Disney executive. For Rogers, television and video games have made “today’s audiences ... subverbal. They require constant stimulation.” In his view “a great movie” is one where “you still get about 70 percent of what’s going on without hearing a word.” Of course, without words, explanations, or speeches, why have any particular devotion to the Lincoln-Douglas debates? Or to the wartime addresses that adorn his memorial? Rogers effuses, “I can give [Lincoln] to you

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son comes to the iconic log cabin. Here he learns that “[t]he people who rebuilt New Salem eighty years ago wanted their history to inspire and uplift a visitor, to illustrate moral truths about courage and enterprise, and if it didn’t do that they worried that the history they were telling was somehow illegitimate, or a failure.”

But science has proven that this cabin, presented as the real one, was constructed of logs from the 1850s, when Lincoln was a grown man. So the park ranger tells him this is a “symbolic cabin.” With the crushed spirit of a true believer, Ferguson moans “So the thing is...a fake?” “Not a fake,” the ranger said. He looked offended. “Symbolic.”

HONORING THE GREAT EMANCIPATOR

Although the logs are symbolic, plenty of real Lincoln collectibles are out there. (In fact, there is a strong market even for real Lincoln forgeries.) The prime collector, Louise Taper, declares “I’ve got the stuff” — anything from chamber pots to documents. “I’m in every phase of Lincolnworld,” and she plays it for all it’s worth. But why collect these sacred objects? Ferguson holds a copy of the Gettysburg Address drafted in Lincoln’s own hand and feels “nothing ... or ... [n]ot as much as I expected to feel. Holding the thing, in fact, wasn’t for me quite as moving as actually reading the words that make up the address, the greatest public utterance in our history.”

Lincoln re-enactors (whose annual convention Ferguson covers) may come in many shapes and sizes, but their devotion is undenia-

ble. We see the same piety in the Thai restaurant owner who dedicates a Buddhist shrine, with a fresh meal placed as an offering each day, accorded to Lincoln (carefully omitting pork, in respect for what he takes to be Abraham’s Jewish

these might have proven distractions from his personal journey of recovering Lincoln.

REQUIREMENTS OF SELF-GOVERNMENT

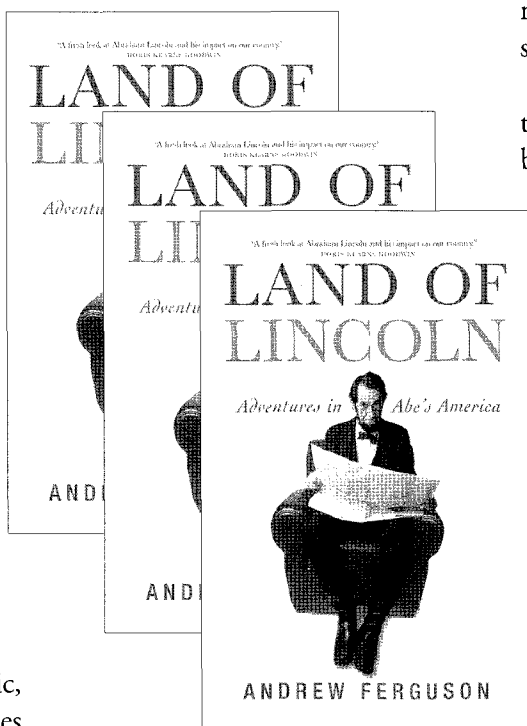
The book’s pilgrimage leads Ferguson into moments of doubt, but it is on the steps of the Lincoln Memorial that his understanding blossoms:

“I was happy to find a Lincoln that was simpler and more plausible than the ones I’d gotten from scholars, haters, publicists, and buffs [T]he bigger, unarguable facts ... are plain in front of us. And that’s what the Lincoln Memorial is for: the brute, uncomplicated facts of Lincoln’s public life

“Lincoln saved the Union but it was a particular kind of Union he saved: a union dedicated to a proposition If Lincoln had failed, the country would have ceased to exist. The founders would have lost their bet that ordinary people could govern themselves, and the principle they were betting on — that all men are created equal — would have slipped into darkness, and no one can say when it might have been revived.”

Ferguson reminds Americans why we have that majestic memorial in the first place. What’s more, by using the various Lincolnophiles’ own words, he allows Americans themselves to present an engaging civics lesson addressing both our flaws and strengths. *Land of Lincoln* is a practical lesson in the requirements of self-government. It reflects and renews Lincoln’s teaching that, in the end, public opinion is central to the perpetuation of our political institutions.

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ancestry). But the power of Lincoln’s appeal comes out most beautifully in the Epilogue, in the story of a Czech concentration camp survivor who made a taxing journey to fulfill his vow to honor the Great Emancipator at his tomb. Ferguson might have noted that the Hungarian free radio station, before its silencing in the ill-fated 1956 rebellion against communism, spent its last hours broadcasting the Gettysburg Address in seven languages. He also might have covered some of the other popular representations of Lincoln in textbooks, and movies (from *Young Mr. Lincoln* to *Gangs of New York*), and the hapless bungle of the U.S. government’s official Abraham Lincoln Bicentennial Commission. But



First Things

Progress as a death wish

by John Kurzweil

“... reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.”

— George Washington

Washington’s words quoted here — and the liberal retort that man is naturally good, meaning that morality not only *can* but *will* prevail with or without religion — occurred to me as I read a summary of criticisms leveled at the findings of the recent Global Warming Summit in Bali. They were signed by more than 100 prominent scientists, including past and present members of the UN Intergovernmental Panel on Climate Change (IPCC). A few excerpts:

“Attempts to prevent global climate change from occurring are ultimately futile, and constitute a tragic misallocation of resources It is not possible to stop climate change, a natural phenomenon that has affected humanity through the ages The IPCC’s conclusions are quite inadequate to [justify] policies that will markedly diminish future prosperity none of these changes are outside the normal variability there has been no net global warming since 1998.”

And so on. My interest here is not GW, but the strange spectacle presented by the Gore-ites: intelligent people embracing imbecility

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and anti-social destructiveness citing reasons that can’t bear even cursory inspection. Why?

The quick answer, but also the long answer, is that Washington was right, and the liberal retort wrong. Consider the record: the same elites who handed Al Gore a Nobel Prize also ignored the manifest failures of FDR’s New Deal to ameliorate, much less end, the Great Depression; similarly, Lyndon Johnson’s War on Poverty’s failures to end poverty, multiculturalism’s failures to diminish racism and ethnic conflict, feminism’s failures to bring harmony between the sexes. On the contrary, liberalism’s invariable effect has been to aggravate the situation. The one form of “progress” always made is toward an always more thorough blanketing of the people with tyranny.

So — by their fruits, you shall know them. A similar weird dichotomy is evident in the left’s mode of criticizing its opponents: every charge hurled boils down to one of hypocrisy — you’re just as “bad” as anyone, so stop judging. As Allan Bloom wrote about the left’s relativist attitude toward truth (the point is not to learn from error so as to get at the truth, but never to think we know the truth at all), the point of left-wing moral criticism is not to suppress evil, only to suppress the “hypocrisy” of thinking we, any of

us, are good at all. The point is to quit trying — quit trying to know the truth so as to follow it, quit trying to know right so as to live by it.

Experience, as Washington said, thus shows us what becomes of national morality when religious principle has been excluded. Life is divided into two columns: one containing the things we pretend to be concerned about — poverty, inequality, truth, morality, “the people” — but about which, in fact, we are not in the least concerned, and never make any “progress” with regard to them, and the second column containing the objectives we actually, ineluctably achieve — irrationality, moral confusion, diminishing freedom, and, above all, weariness with life.

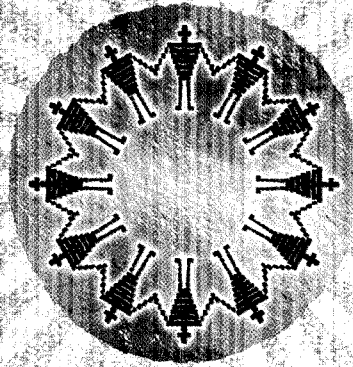
The progression is well-documented all around. Last weekend, for instance, television showed John Wayne’s *Sands of Iwo Jima* — a 1949 tribute to the courage and sacrifices made by American marines for the cause of freedom — and Clint Eastwood’s *Letters from Iwo Jima* — a 2006 monument of moral incoherence the one clear message of which is that the West (*viz.*, Eastwood’s own culture, his whole life) is a morbid horror. This death wish liberalism vindicates — as if it needed any — Washington’s point.

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